

ORIGINAL



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BEFORE THE ARIZONA CORPORATION COMMISSION

AZ CORP COMMISSION

DOCKET CONTROL

2013 OCT 29 PM 2 03

COMMISSIONERS

BOB STUMP, CHAIRMAN

GARY PIERCE

BRENDA BURNS

BOB BURNS

SUSAN BITTER SMITH

IN THE MATTER OF THE FORMAL )  
COMPLAINT OF RATTLESNAKE PASS, )  
L.L.C., )

COMPLAINANT, )

V. )

TUCSON ELECTRIC POWER COMPANY, )

RESPONDENT. )

DOCKET NO. E-01933A-10-0125

**NOTICE OF RESPONDENT'S  
COMPLIANCE WITH OPINION  
AND ORDER**

Arizona Corporation Commission

**DOCKETED**

OCT 29 2013

DOCKETED BY

Pursuant to the Opinion and Order contained in Decision No. 73561 (October 17, 2012),

Tucson Electric Power Company ("TEP"), through undersigned counsel, hereby files information to demonstrate compliance with the Decision.

**I. ISSUE.**

In the Decision, which centered upon TEP's use of an adjoining gas pipeline easement to access a 1942 TEP easement containing electrical facilities, the Commission dismissed the Formal Complaint with prejudice, but also ordered TEP to:

- 1) Take action to ensure it is able to lawfully access its facilities for inspection, routine maintenance and emergency repairs; and,
- 2) Notify the Commission in writing of the means it has secured for access to its facilities on the TEP Easement.

**II. RESOLUTION.**

TEP has acquired a perpetual access easement from the Complainant/landowner, covering the length of the adjoining gas pipeline easement, which reflects the access path TEP has used since

1 initially acquiring its original electrical easement in 1942. The easement is dated October 7, 2013  
2 and is recorded at #20132870079 of Pima County Records, a copy of which is attached hereto as  
3 Exhibit A.

4 TEP has also placed a permanent lock on the Complainant's gates at each end of his  
5 property, co-located with the gas pipeline company's lock. The gates extend across the access  
6 easement TEP has now acquired, and the locks allow TEP to freely enter and exit the easement area  
7 by using its own key. A photograph showing the TEP lock upon the southerly of the two gates is  
8 attached hereto as Exhibit B.

9 By filing of this Notice, TEP is hereby notifying the Commission of the means it has secured  
10 for access to its facilities within the TEP electrical easement and has complied with Decision No.  
11 73561.

12  
13 RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of October, 2013.

14 **TUCSON ELECTRIC POWER COMPANY**

15  
16  
17 By \_\_\_\_\_

18 Jason D. Gellman  
19 Roshka, DeWulf & Patten, PLC  
20 400 East Van Buren Street, Suite 800  
21 Phoenix, Arizona 85004

22 Attorneys for Tucson Electric Power Company

23 Original and 13 copies of the foregoing  
24 filed this 29<sup>th</sup> day of October 2013 with:

25 Docket Control  
26 Arizona Corporation Commission  
27 1200 West Washington Street  
Phoenix, Arizona 85007

1 Copy of the foregoing hand-delivered/mailed  
2 this 29<sup>th</sup> day of October 2013 to:

3 Belinda A. Martin  
4 Administrative Law Judge  
5 Hearing Division  
6 Arizona Corporation Commission  
7 400 West Congress Suite # 221  
8 Tucson, AZ 85701-1347

9 Janice Alward, Esq.  
10 Chief Counsel, Legal Division  
11 Arizona Corporation Commission  
12 1200 West Washington Street  
13 Phoenix, Arizona 85007

14 Steven Olea  
15 Director, Utilities Division  
16 Arizona Corporation Commission  
17 1200 West Washington Street  
18 Phoenix, Arizona 85007

19 Gregg Mitchell, Manager  
20 Rattlesnake Pass, LLC  
21 6045 North Abington Road  
22 Tucson, AZ 85743

23  
24  
25  
26  
27  
By 

# **EXHIBIT A**

F. ANN RODRIGUEZ, RECORDER  
RECEIPT OF RECORDING

F. ANN RODRIGUEZ, RECORDER  
Recorded By: MN

DEPUTY RECORDER  
4913

W  
TUCSON ELECTRIC POWER CO  
PICKUP



SEQUENCE: 20132870079  
NO. PAGES: 3  
EASMNT 10/14/2013  
10:32  
PICK UP  
AMOUNT PAID: \$9.00

F RATTLESNAKE PASS LLC  
T TUCSON ELECTRIC POWER COMPANY +

EASEMENT

RECORDING FEES \$5.00  
CONVERSION FEE \$4.00  
ADDITIONAL FEES \$3.00  
TOTAL \$12.00

DEBIT/CREDIT CARD \$12.00  
AMOUNT DUE  
AMOUNT OVER

Pima County Recorder, P.O. Box 3145, Tucson, AZ 85702-3145, (520) 724-4350

When recorded return to:  
TEP Land Resources  
P.O. Box 711/HQW603  
Tucson, AZ 85702-0711

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**QUIT-CLAIM  
GRANT OF EASEMENT**

For the sum of \$5.00 and pursuant to Arizona Revised Statutes § 12-1103.B, Rattlesnake Pass, LLC, an Arizona limited liability corporation ("Grantor"), through its undersigned agent, hereby quit-claims to Tucson Electric Power Company, an Arizona corporation ("Grantee"), its successors and assigns, a non-exclusive easement for the sole purpose of ingress and egress (the "Easement") over, upon and across the real property shown in the legal description and survey drawing in the attached Exhibit A.

The Easement shall run with the land and shall only be utilized by Grantee, its successors and assigns, in conjunction with access to and from Grantee's existing adjoining electrical easement as recorded at Book 76, Page 594 of Pima County Records. Grantor shall retain the right to full use of the property described in Exhibit A to the extent that such use does not interfere with Grantee's use and enjoyment of the Easement for the purposes herein stated.

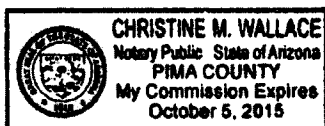
Grantor hereby warrants and represents, and acknowledges Grantee's reliance upon said warranty and representation, that Grantor has good and sufficient title to the real property in order to grant said Easement.

**WHEREFORE**, Greg Mitchell, as manager of Grantor, Rattlesnake Pass, LLC, affixes his signature hereto:

  
\_\_\_\_\_  
Greg Mitchell

State of Arizona     )  
                                  ) ss.  
Pima County         )

On this 7<sup>th</sup> day of October, 2013, this Deed of Easement was signed and acknowledged before me, on behalf of Grantor Rattlesnake Pass, LLC, an Arizona limited liability corporation, by its manager, Greg Mitchell.




  
\_\_\_\_\_  
Notary Public

EXHIBIT A  
**SJV & ASSOCIATES, LLC**

530 South Main Avenue, Suite A • Tucson, Arizona 85701  
(520) 882-9392 • Fax (520) 882-5506

surveyors  
engineers  
planners

Mar. 19, 2013  
SJV #TEP9914

LEGAL DESCRIPTION  
Ingress and Egress Easement

An easement for ingress and egress located in the West Half of Section 20, T. 12 S., R. 12 E., Gila and Salt River Meridian, Pima County, Arizona, described as follows:

Commencing at the northwest corner of said Section 20 being a 1/2" rebar tagged LS 14172 from which a 5/8" rebar tagged LS 10171 at the northeast corner of Lot 19, Los Morteros Estates recorded in Book 49 of Maps and Plats at Page 21, records of Pima County, AZ, bears N89°37'00"E a distance of 2690.56 ft.;

Thence S42°52'11"E, 2661.48 ft. to the westerly most corner of that El Paso Natural Gas easement recorded in Docket 12687 at Page 746 records of Pima County;

Thence S36°36'09"E, along the southwesterly side of said easement, a distance of 501.26 ft. to the north line of that property described in Docket 11786 at Page 300 and the POINT OF BEGINNING;

Thence N89°48'45"E, along said north line, a distance of 53.87 ft. to the southwesterly side of that electrical 10 ft. wide easement recorded in Miscellaneous Records Book 76 at Page 594, records of Pima County;

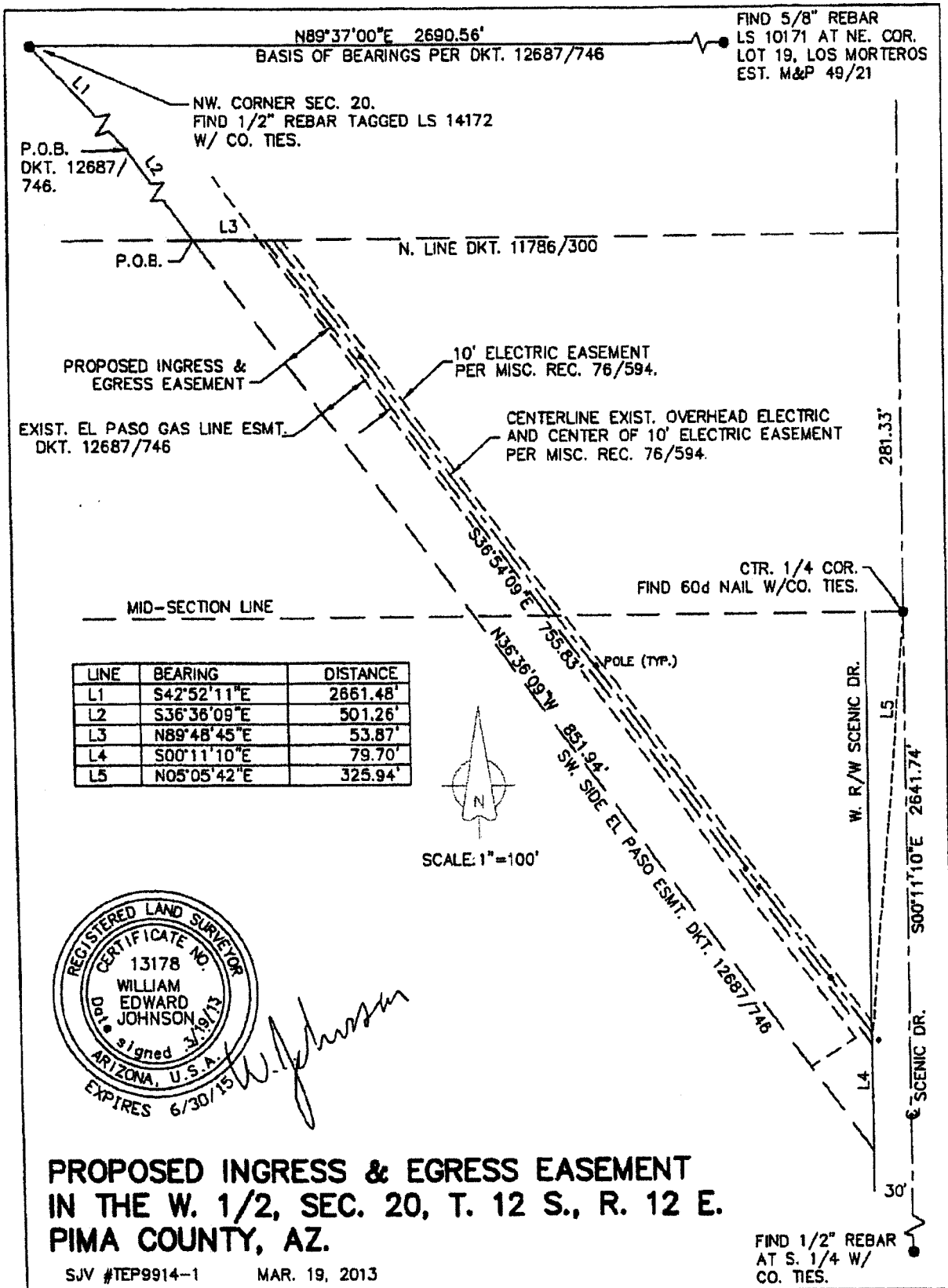
Thence S36°54'09"E, along the southwesterly side of said electrical easement, a distance of 755.83 ft. to a point on the west right-of-way of Scenic Drive being 30.00 ft. west of and parallel with the east line of the Southwest Quarter of said Section 20, from which point a 60d nail at the Center 1/4 corner of said Section 20 bears N05°05'42"E, a distance of 325.94 ft.;

Thence S00°11'10"E, along said west right-of-way, a distance of 79.70 ft. to the southeasterly extension of the southwesterly side of said El Paso Natural Gas easement;

Thence N36°36'09"W, along said southwesterly side, a distance of 851.94 ft. to the POINT OF BEGINNING.

Containing 36,476 sq. ft. or 0.8 acres more or less.







# **EXHIBIT B**

